THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 12388 of 2005

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Dated:21.09.2005

Between:

M/s. Dhanyalakshmi Seeds, Nandyal, rep. by its Proprietor,

M. Swamy Reddy, S/o. M. Hussain Reddy,
R/o. Nandyal, Kurnool District, and another.

..... PETITIONERS

AND

The Govt. of A.P. rep by its Principal Secretary,

Agriculture and Cooperation

(Marketing) Department,
Secretariat, Hyderabad, and others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of seeds, as arbitrary and illegal.

When the matter is taken up for consideration, it is represented by the learned counsel for the petitioners as well as respondents that the issue involved in this writ petition is squarely covered by the decision of this Court in W.P.No.13527 of 2004 and batch, dated 08.02.2005, which was disposed of with the following directions:

> "20. For the foregoing reasons, the writ petitions are ordered,
>
> with the following directions:
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> a. Seeds developed and manufactured by the petitioners and sold as certified or labelled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees, shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps."

Accordingly, the writ petition is disposed of in terms of the above order. No costs.

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(G.ROHINI, J)

21.09.2005

vs